

195155

2008-295-T

State Of South Carolina

Re: Compliance Review Requested

Name of Motor Carrier

HOME FINDING INC

Action Taken:

_____ Referred for a Compliance Review

Date: 9/11/08

Investigator: _____

Compliance Review Findings:

✓ Satisfactory

_____ Unsatisfactory


RECEIVED

SEP 23 2008

PSC SC
DOCKETING DEPT.

L/CPL. TERRY W. HARRIS
Compliance Review Officers

South Carolina State Transport Police

	US DOT # 1741890	Legal: HOME FINDING INC	
	Operating (DBA):		
MC/MX #:		Federal Tax ID: [REDACTED]	
Review Type: Compliance Review (CR)			
Scope:	Principal Office	Location of Review/Audit: Company facility in the U. S.	Territory:
Operation Types		Business: Corporation	
Interstate	Intrastate	Gross Revenue: \$300.00	
Carrier: N/A	Non-HM	for year ending: 8/27/2008	
Shipper: N/A	N/A		
Cargo Tank:	N/A		
Company Physical Address:			
8889 Coosawsenic Drive Ridgeland, SC 29931			
Contact Name: William A Galloway			
Phone numbers: (1) 843- 525-0800 (2) 866-525-0800 Fax 843-524-1329			
E-Mail Address: wvgbradio@embargmail.com			
Company Mailing Address:			
P O BOX 1477 BEAUFORT, SC 29902			
Carrier Classification			
Other: not author			
Cargo Classification			
Passengers			
Does carrier transport placardable quantities of HM? No			
Is an HM Permit required? N/A			
Driver Information			
	Inter	Intra	Average trip leased drivers/month: 0
< 100 Miles:			Total Drivers: 1
>= 100 Miles:		1	CDL Drivers: 1
Equipment			
	Owned	Term Leased	Trip Leased
Motor Coach	1	0	0
Power units used in the U.S.: 1			
Percentage of time used in the U.S.: 100			





HOME FINDING INC
U.S. DOT #: 1741890

Review Date:
09/09/2008

Part A

QUESTIONS regarding this report or the Federal Motor Carrier Safety or
Hazardous Materials rules may be addressed to the Office of Motor Carriers at:

South Carolina State Transport Police, Motor Carrier Compliance Unit
10322 Wilson Blvd., Building D-2, PO Box 1993
Blythewood, SC 29016

This report will be used to assess your safety compliance.

Person(s) Interviewed

Name: William Galloway

Title: President

Name:

Title:





HOME FINDING INC
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Part B Violations

1 FEDERAL	Primary: 40.25(b) Secondary: 382.105	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to request information from previous DOT regulated employers of driver applicant for the two years prior to the date of application or transfer. Example Driver - Roycie Lawton - Trip Date - 07/19/2008					
2 FEDERAL	Primary: 382.601(a)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to provide educational materials explaining requirements of part 382 and employer's policies. Example Driver - Roycie Lawton Jr. - Trip Date - 7/19/2008.					
3 FEDERAL	Primary: 382.603	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to ensure persons designated to determine that drivers undergo reasonable suspicion testing receive 60 minutes training for alcohol and/or 60 minutes of training for controlled substances. Example Driver - Roycie Lawton Jr. - Trip Date - 07/19/2008. William Galloway, Owner, no training.					
4 FEDERAL	Primary: 383.35(b)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to request employment history information for the 10 years preceding the date of the application for employment. Example Driver - Roycie Lawton Jr. - Trip Date - 07/19/2008.					
5 FEDERAL	Primary: 390.21(b)(1)	Discovered 1	Checked 1	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to mark a commercial motor vehicle with the legal name or a single trade name. Example Driver - Roycie Lawton Jr. - Trip Date - 07/19/2008. Vehicle not marked on both sides with name.					
6 STATE	Primary: 395.8(f) CFR Equivalent: 395.8(f)	Discovered 3	Checked 30	Drivers/Vehicles In Violation 1	Checked 1
Description Failing to require driver to prepare record of duty status in form and manner prescribed. Example Driver - Roycie Lawton Jr. - Trip Date 7/19/2008. Rods missing total miles, location at change of duty status, total hours, and charter number/name of charter.					





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Part B Violations

Safety Fitness Rating Information:

Total Miles Operated 600
Recordable Accidents 0

OOS Vehicle (CR): 0

Number of Vehicle Inspected (CR): 1

OOS Vehicle (MCMIS): 0

Number of Vehicles Inspected (MCMIS): 1

Your proposed safety rating is :

This Review is not Rated.





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Review Date:
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Part B Requirements and/or Recommendations

1. Copies of the regulations, forms, interpretations, and manuals are available from a variety of sources. Check the FMCSA website for a current list of suppliers. www.fmcsa.dot.gov/safety-security/eta/index.htm
2. Ensure that all vehicles are properly marked with your name or trade name and U.S. DOT number. If your vehicles are also periodically operating for other carriers, they must be marked with that carrier's name and U.S. DOT#.
3. Conduct periodic internal reviews of your driver qualification, hours of service control, maintenance, accident analysis/reporting, training, and other safety systems to ensure continued compliance with the FMCSR.
4. If you have any questions concerning this report, please contact the Federal Motor Carrier Safety Administration, (...
INSERT ADDRESS OF DIVISION OFFICE HERE...)
5. Employers are responsible for their officers', employees', agents', consortia, and/or contractors' compliance with the requirements of 49 CFR Parts 40 and 382.
6. Review the circumstances under which a CDL is required. CDL and drug testing rules apply to both interstate and intrastate commerce.
7. Ensure that drivers provide a 10-year employment history on their employment application.
8. Ensure that all drivers are fully and properly qualified before operating in interstate commerce. Maintain a complete file as required for each driver, documenting the qualification process.
9. Maintain all required controlled substance testing records including yearly summaries, quarterly summaries, test information, test results, records of training etc., as required by 49 CFR Parts 40 and 382 of the FMCSR .
10. Require all drivers to prepare complete and accurate records of duty status for each day, and to submit them within 13 days. Maintain all duty status records on file, with all supporting documents, for at least 6 months.
11. Ensure that all documents supporting records of duty status (such as toll, fuel repair and other on-the-road expense receipts, as well as invoices, bills of lading, dispatch records, etc.) are kept on file for at least 6 months.
12. Obtain from any driver used for the first time (or intermittently) a signed statement showing the total time on-duty during the preceding seven (7) days and the time at which the driver was last relieved from duty.
13. Toll receipts and other on-the-road expense receipts, invoices, bills of lading, dispatch records, and other "supporting document" must be kept on file for six (6) months. This requirement also applies to records generated by the use of owner-operators. You may keep legible photocopies in lieu of originals.
14. If you want some drivers to use the 100 air-mile radius exemption, make sure that the drivers meet all terms of the exemption, including being released from duty no more than 12 hours from when they report for duty. Logs must be prepared if a driver does not meet the 12 hour requirement.
15. Ensure that all drivers' records of duty status (logs) are accurate. Check them against "supporting documents" to verify accuracy. Prohibit falsification of logs by any driver. Review the rules on supporting documents. Take appropriate action against drivers who falsify logs.
16. Establish a systematic maintenance records program for all vehicles. Maintain a complete file for each subject vehicle, recording all repair, maintenance and inspection operations performed.





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Part B Requirements and/or Recommendations

used to calculate any civil penalty proposed as a result of this review. Your signature is not an admission of the violations identified Attachment A. FMCSA will also strongly encourage our State partners to you by the investigator. show comparable enforcement discretion.





HOME FINDING INC
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Part B Requirements and/or Recommendations

17. Review with your drivers periodically the procedures for doing pre-trip and post-trip inspections. Ensure that safety defects reported by drivers on their Vehicle Inspection Reports (VIR) are repaired before the vehicle is re-dispatched. Require drivers to prepare Vehicle Inspection Reports on a daily basis. Keep them on file for 90 days.
18. This report contains citations of regulations that are deemed serious in nature and could result in penalties against your company and/or your drivers.
19. A complete Educational and Technical Assistance package entitled "A MOTOR CARRIER'S GUIDE TO IMPROVING HIGHWAY SAFETY" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains many forms and documents useful for improving the safety of your operations. Check: www.fmcsa.dot.gov/factsfigs/eta/index.html.
20. For questions about DOT numbers or biennial updates: 800-832-5660 or 703-280-4001
For questions about licensing, authority or MC numbers: 202-366-9805
For questions about insurance: 202-385-2423
For household goods complaints: 888-DOT-SAFT (888-368-7238)
21. Within 15 days, send a letter to the South Carolina State Transport Police describing what actions you have taken in response to this review to ensure that you are complying with the Federal Motor Carrier Safety Regulations. ATTN: L/cpl. Terry W. Harvey
- 22.

Notice: On August 25, 2005, the FMCSA published a final rule revising the hours-of-service regulations for commercial motor vehicle drivers. The new federal hours of service (becomes effective on October 1, 2005, statutory requirements provide that FMCSA enforcement of the new HOS) regulations took effect October 1, 2005, which included changes to rule may only begin on October 25, 2005. FMCSA will provide the sleeper berth and short-haul provisions. These regulations only apply industry with a transitional period to properly adjust to the new HOS rules. The transitional period will be from October 1, 2005 and continue through December 31, 2005, and will allow carriers and commercial motor vehicle (cmv) drivers operating State enforcement agencies time to train their employees.


From October 25, 2005 through December 31, 2005, FMCSA personnel will exercise discretion operating in interstate commerce. Passenger carriers and their drivers will continue operating under the pre-2003 rules while fatigue issues specific to the passenger carrier industry are assessed. Under the new rule, CMV drivers using the sleeper berth provision must take at least 8 consecutive hours enforcing the new rule. This is more fully explained hours in the sleeper berth, plus 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two. The 14-hour on-duty window may not be extended with off-duty time for meal and fuel stops, etc. The prohibition on driving after being on duty 60 hours in 7 consecutive days, or 70 hours in 8 consecutive days, remains the same, but drivers can "restart" the 7/8 day period anytime a driver has 34 consecutive hours off duty. For more information on these regulations, please access the FMCSA website at www.fmcsa.dot.gov.

STARVING STUDENTS

PLEASE NOTE: The violations discovered during this compliance review may affect the civil penalty proposed in any subsequent Notice of Claim. In addition, your history of prior violations of the Federal Motor Carrier Safety Regulations, Federal Hazardous Material Regulations or the Federal Motor Carrier Commercial Regulations may also affect the civil penalty proposed in any subsequent Notice of Claim. Your signature for receipt of this report acknowledges your understanding that the violations discovered by the FMCSA during this review/inspection may be



South Carolina State Transport Police

	US DOT # 1741890	Legal: HOME FINDING INC		
	Operating (DBA): [REDACTED]			
MC/MX #:		Federal Tax ID: [REDACTED]		
Review Type: Compliance Review (CR) - Receipt				
Scope: Principal Office		Location of Review/Audit: Company facility in the U. S.		Territory:
Operation Types		Business: Corporation		
Interstate	Intrastate			
Carrier: N/A	Non-HM	Gross Revenue: \$300.00		
Shipper: N/A	N/A	for year ending: 8/27/2008		
Cargo Tank: N/A				
Company Physical Address:				
8889 Coosawsenic Drive Ridgeland, SC 29931				
Contact Name: William A Galloway				
Phone numbers: (1) 843- 525-0800 (2) 866-525-0800 Fax 843-524-1329				
E-Mail Address: wvgbradio@embargmail.com				
Company Mailing Address:				
P O BOX 1477 BEAUFORT, SC 29902				
Report Summary				
Report		# of Pages		
Part A - General		2		
Part B - Violations		2		
Part B - Recommendations		3		
Review/Audit Receipt Page		1		
Total Pages		8		
<p>Disclaimer: By signing below, I acknowledge that I have received a copy of this review/audit and agree with the total number of pages indicated (above) for each document. My signature does not imply agreement with the findings of the review/audit, however they have been discussed in detail with me.</p>				
<p>QUESTIONS regarding this report or the Federal Motor Carrier Safety or Hazardous Materials rules may be addressed to the Office of Motor Carriers at:</p> <p align="center">South Carolina State Transport Police, Motor Carrier Compliance Unit 10322 Wilson Blvd., Building D-2, PO Box 1993 Blythewood, SC 29016</p>				
This report will be used to assess your safety compliance.				
Person(s) Interviewed				
Name: William Galloway		Title: President		
Name:		Title:		
Reported By: <i>J.H. Harvey</i>		Title: <i>S/I</i>	Code: SC0036	Date: 9/9/2008
Received By: <i>William A Galloway</i>		Title: <i>President</i>		





HOME FINDING INC
U.S. DOT #: 1741890

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Part C

Reason for Review: Company Request
Planned Action: Compliance Monitoring
Safestat Category: H

Parts Reviewed Certification:

325	382	383	387	390	391	392	393	395	396	397	398	399	171	172	173	177	178	180
	✓	✓	✓	✓	✓	✓	✓	✓	✓									

Prior Reviews

Prior Prosecutions

Unsat/Unfit Information

Is the motor carrier of passengers subject to the safety fitness procedures contained in 49 CFR part 385 subpart A, AND does it transport passengers in a commercial motor vehicle?

Yes - Intrastate

Does carrier transport placardable quantities of hazardous materials?

Unsat/Unfit rule:

Not Applicable

Corporate Contact: William Galloway

Corporate Contact Title: President

Special Study Information:

Remarks:

This investigation was initiated because the carrier had applied to the South Carolina Public Service Commission for a Class C - Charter Bus Certificate. This certificate requires that the carrier be in compliance with the Federal Motor Carrier Safety Regulations as adopted by South Carolina. A Intrastate Non Rated Compliance Review was conducted. Home Finding Inc. is an authorized for hire carrier of passengers. Carrier has one cdl driver hired with the last twelve months and one 47 passenger motorcoach.

Home Finding Inc. is owned and operated by William Galloway, President. All records are kept at the principle place of business and were provided by William Galloway, President.

In Part 40, carrier failed to get 2 year drug and alcohol history on his driver.

In Part 382, carrier did not have a company policy and had not completed supervisor training for reasonable suspicion testing. Carrier did have the two training tapes to review on drug and alcohol. Carrier is in a consortium with Foley Services.

In Part 383, all records were checked by CDLIS. Carrier failed to request 10 year employment history.

In Part 387, carrier has \$5,000,000 insurance and a copy of MCS-90 was obtained.

In Part 390, carrier did not have legal name on both sides of bus, but had made appointment to do so.

In part 391, no violations found.

In Part 392, no violations found.

In Part 393, one Level 5 inspection was done with no OOS violations.

In Part 395, carrier had form and manor violations on 3 of 30 rods checked.

In Part 396, no violations found.

Mr. Galloway did not have a copy of the Federal Motor Carrier Safety Regulations. Mr. Galloway was given several websites to obtain information. Mr. Galloway stated he would try to correct all violations immediately.





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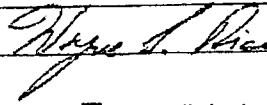
Part C

Upload Authorized:	Yes	No
Authorized by:		Date:
Uploaded:	Yes	No
Verified by:		Date:
		Failure Code:



Issued to **WILLIAM GALLOWAY** of **RIDGELAND, SC**
DBA: HOME FINDING
Dated at **LONG BEACH** this **27TH** day of **JUNE**, 20 **08**
Amending Policy No. **BA162194#1** Effective Date **06/27/2008**
Name of Insurance Company **LANCER INSURANCE COMPANY**

Countersigned by



Authorized Company Representative

The policy to which this endorsement is attached provides primary or excess insurance, as indicated by " ☒ " for the limits shown:

- ☒ This insurance is primary and the company shall not be liable for amounts in excess of \$ 5,000,000 for each accident.
☐ This insurance is excess and the company shall not be liable for amounts in excess of \$ _____ for each accident in excess of the underlying limit of \$ _____ for each accident.

Whenever required by the Federal Motor Carrier Safety Administration (FMCSA), the company agrees to furnish the FMCSA a duplicate of said policy and all its endorsements. The company also agrees, upon telephone request by an authorized representative of the FMCSA, to verify that the policy is in force as of a particular date. The telephone number to call is: (516) 431-4441

Cancellation of this endorsement may be effected by the company or the insured by giving (1) thirty-five (35) days notice in writing to the other party (said 35 days notice to commence from the date the notice is mailed, proof of mailing shall be sufficient proof of notice), and (2) if the insured is subject to the FMCSA's registration requirements, by providing thirty (30) days notice to the FMCSA (said 30 days notice to commence from the date the notice is received by the FMCSA at its office in Washington, D.C.).

DEFINITIONS AS USED IN THIS ENDORSEMENT

Accident includes continuous or repeated exposure to conditions which results in Public Liability which the insured neither expected nor intended.

Bodily Injury means injury to the body, sickness or disease to any person, including death resulting from any of these.

Motor carrier means a for-hire carrier of passengers by motor vehicle.

Property Damage means damage to or loss of use of tangible property.

Public Liability means liability for bodily injury or property damage

The insurance policy to which this endorsement is attached provides automobile liability insurance and is amended to assure compliance by the insured, within the limits stated herein, as a for-hire motor carrier of passengers with Section 18 of the Bus Regulatory Reform Act of 1982 and the rules and regulations of the Federal Motor Carrier Safety Administration.

In consideration of the premium stated in the policy to which this endorsement is attached, the insurer (the company) agrees to pay, within the limits of liability described herein, any final judgment received against the insured for public liability resulting from negligence in the operation, maintenance or use of motor vehicles subject to financial responsibility requirements of Section 18 of the Bus Regulatory Reform Act of 1982 regardless of whether or not each motor vehicle is specifically described in the policy and whether or not such negligence occurs on any route or in any territory authorized to be served by the insured or elsewhere. Such insurance as is afforded, for public liability, does not apply to injury to or death of the insured's employees while engaged in the course of their employment, or property transported by the insured, designated as cargo. It is understood and agreed that no condition, provision, stipulation, or limitation contained in the policy, this endorsement, or any other endorsement thereon, or violation thereof, shall relieve the company from liability or from the payment of any final judgment, within the limits of liability herein described, irrespective of the financial condition, insolvency or bankruptcy of the insured.

However, all terms, conditions, and limitations in the policy to which the endorsement is attached shall remain in full force and effect as binding between the insured and the company. The insured agrees to reimburse the company for any payment made by the company on account of any accident, claim, or suit involving a breach of the terms of the policy, and for any payment that the company would not have been obligated to make under the provisions of the policy except for the agreement contained in this endorsement.

It is further understood and agreed that, upon failure of the company to pay any final judgment recovered against the insured as provided herein, the judgment creditor may maintain an action in any court of competent jurisdiction against the company to compel such payment.

The limits of the company's liability for the amounts prescribed in this endorsement apply separately to each accident and any payment under the policy because of any one accident shall not operate to reduce the liability of the company for the payment of final judgments resulting from any other accident.

The Bus Regulatory Reform Act of 1982 requires limits of financial responsibility according to vehicle seating capacity, it is the MOTOR CARRIER'S obligation to obtain the required limits of financial responsibility. THE SCHEDULE OF LIMITS SHOWN ON THE REVERSE SIDE DOES NOT PROVIDE COVERAGE. The limits shown in the schedule are for information purposes only.